

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	BANKRUPTCY NO. 20-10334 TPA
	:	
JOSEPH MARTIN THOMAS,	:	JUDGE THOMAS P. AGRESTI
Debtor.	:	
	:	CHAPTER 11
JOSEPH MARTIN THOMAS,	:	
Movant,	:	RELATED TO DOCUMENT NO. 456
	:	
v.	:	
	:	
ALLY BANK; UNITED STATES OF	:	
AMERICA, INTERNAL REVENUE	:	
SERVICE; COMMONWEALTH OF	:	
PENNSYLVANIA, DEPT. OF REVENUE;	:	
and CHAMPION FORD,	:	
Respondents.	:	
	:	

ORDER CONFIRMING SALE OF PERSONAL PROPERTY
FREE AND DIVESTED OF LIENS

AND NOW, this ____ day of _____, 2021, on consideration of the Debtor's *Motion for Sale of Personal Property Free and Divested of Liens*, Joseph Martin Thomas, to Champion Ford, for the sum of \$50,100.00, after hearing held in the Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, Pennsylvania 16501, this date, the Court finds:

1) That service of the *Notice of Hearing* setting hearing on said *Motion for Sale of Personal Property Free and Divested of Liens* of the above-named Respondents, was effected on the following secured creditors whose liens are recited in said *Motion/Complaint* for sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

June 8, 2021

Office of the United States Trustee
Liberty Center
1001 Liberty Avenue, Suite 970
Pittsburgh, PA 15222

June 8, 2021

Ally Bank
P.O. Box 130424
Roseville, MN 55113-0004

*(Lien on Certificate of Title to 2016 Ford F-150, VIN No.
1FTEW1EF8GKE73067)*

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

June 8, 2021

Ally Bank
Payment Processing Center
P.O. Box 78367
Phoenix, AZ 85062-8367

(Lien on Certificate of Title to 2016 Ford F-150, VIN No. 1FTEW1EF8GKE73067)

June 8, 2021

Ally Bank
ATTENTION: Sergei Bye
Ally Servicing LLC
4000 Lexington Avenue N., Suite 100
Shoreview, MN 55126

(Lien on Certificate of Title to 2016 Ford F-150, VIN No. 1FTEW1EF8GKE73067)

June 8, 2021

Mark G. Claypool, Esquire
The Knox Firm
120 West Tenth Street
Erie, PA 16501

(Counsel to Ally Bank)

June 8, 2021

Attorney General of the United States
U.S. Dept. of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

(Federal Tax Liens)

June 8, 2021

United States Attorney's Office
Western District of Pennsylvania
ATTENTION: Civil Process Clerk
Joseph F. Weis, Jr. U.S. Courthouse
700 Grant Street
Suite 4000
Pittsburgh, PA 15219

(Federal Tax Liens)

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

June 8, 2021

United States Attorney's Office
Western District of Pennsylvania
ATTENTION: Civil Process Clerk
17 South Park Road, Suite A330
Erie, PA 16501

(Federal Tax Liens)

June 8, 2021

Stephen R. Kaufman, Esquire
Acting U.S. Attorney for the Western District of PA
Joseph F. Weis, Jr. U.S. Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219

(Federal Tax Liens)

June 8, 2021

Internal Revenue Service
ATTENTION: Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

(Federal Tax Liens)

June 8, 2021

Internal Revenue Service
ATTENTION: Sandra M. Bence
1000 Liberty Avenue
Stop 711B
Pittsburgh, PA 15222-3714

(Federal Tax Liens)

June 8, 2021

Jill Locnikar, Esquire
Assistant U.S. Attorney
700 Grant Street, Suite 4000
Pittsburgh, PA 15219

(Counsel to Internal Revenue Service)

June 8, 2021

Pa. Dept. of Revenue
Bankruptcy Division
P.O. Box 280946
Harrisburg, PA 17128-0946

(Commonwealth Tax Liens)

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

June 8, 2021

Pa. Dept. of Revenue
4th & Walnut Street
Harrisburg, PA 17128

(Commonwealth Tax Liens)

June 8, 2021

Attorney General of Pennsylvania
Western Regional Office
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

(Commonwealth Tax Liens)

June 8, 2021

Lauren Michaels, Esquire
Office of the Attorney General
Western Regional Office
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

(Counsel to Pa. Dept. of Revenue)

June 8, 2021

Champion Ford
2502 West 26th Street
Erie, PA 16506

(Purchaser)

2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service filed and that the named parties were served with the *Motion/Complaint*.

3) That said sale hearing was duly advertised on the Court's website pursuant to *W.PA LBR 6004-1(c)(2)* on June 8, 2021, in the *Erie Times News* on June 25, 2021 and in the *Erie County Legal Journal* on June 25, 2021, as shown by the Proof of Publications duly filed.

4) That at the sale hearing the highest/best offer received was that of the above Purchaser and no objections to the sale were made which would result in cancellation of said sale.

5) That the total purchase price of \$50,100.00 offered by Champion Ford was a full and fair price for the personal property in question.

6) That the Purchaser has acted in good faith with respect to the within sale in accordance with In re Abbotts Dairies of Pennsylvania, Inc., 788 F2d. 143 (3d Cir. 1986).

NOW THEREFORE, it is hereby **ORDERED, ADJUDGED AND DECREED** that the sale of the personal property described as a 2016 Ford F-150 Moab 4WD V8 FFV Crew Cab 5.0L XLT, VIN No. 1FTEW1EF8GKE73067 is hereby **CONFIRMED** to Champion Ford for the sum of \$50,100.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchasers above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

It is **FURTHER ORDERED** that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

It is **FURTHER ORDERED** that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order.* Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- a) Debtor's share of the appropriate sales tax, if any, as well as payment of any and all fees charged to the Debtor associated with the transfer of the Certificate of Title;
- b) The costs of local newspaper advertising in the amount of \$302.20, to be reimbursed to The Quinn Law Firm;
- c) The costs of legal journal advertising in the amount of \$189.00, to be reimbursed to The Quinn Law Firm;
- d) Reimbursement to The Quinn Law Firm of the filing fee for the Motion for Sale of Personal Property Free and Divested of Liens in the amount of \$188.00;
- e) Payment on any and all storage fees charged in regard to the 2016 Ford F-150, if any, up to the sum of \$1,000.00.
- f) The sum of \$200.40 (0.4% of the purchase price for the personal property) shall be paid to the Office of the United States Trustee on account of quarterly U.S. Trustee fees due in regard to the disbursements made at the time of the closing.
- g) Payment in full of the lien on the Certificate of Title in favor of Ally Bank in the approximate amount of \$4,948.25, plus interest and satisfaction costs.

- h) Payment in full of any remaining balance due to the Commonwealth of Pennsylvania, Dept. of Revenue on account of its secured tax lien, which acts as a junior lien on the 2016 Ford F-150, currently is estimated to be approximately \$21,319.82.
- i) The remaining net proceeds, which are estimated to be approximately \$21,000.00, shall be paid to Debtor's Counsel, Michael P. Kruszewski, Esquire and the Quinn Law Firm, to be held in its escrow account, on account of the administrative claims of the Debtor, Joseph Martin Thomas.

It is **FURTHER ORDERED** that:

- 1) Within seven (7) days of the date of this Order, the Movant/Plaintiff shall serve a copy of the within Order on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a Certificate of Service.
- 2) *Closing shall occur within thirty (30) days of this Order.*
- 3) *Within seven (7) days following closing*, the Movant shall file a *Report of Sale* which shall include a copy of the HUD-1 or other Settlement Statement; and,
- 4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

Thomas P. Agresti, Judge
United States Bankruptcy Court